

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO  
BEFORE HONORABLE DANIEL R. DOMINGUEZ

MINUTES OF PROCEEDINGS

DATE: December 28, 1999

CIVIL NO. 97-2052 (DRD)

LAW CLERK: Nathan J. Schulte

**TWIN COUNTY GROCERS, INC.,**

Plaintiff,

v.

**MENDEZ AND CO., INC., et al.**

Defendants.

Attorney:

Danilo M. **EBOLI**

Salvador **ANTONETTI ZEQUEIRA**

Ricardo F. **CASELLAS**

Jose A. **GONZALEZ GIERBOLINI**

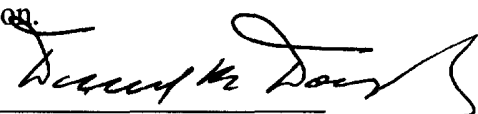
Jorge I. **PEIRATS**

A STATUS CONFERENCE was held today. The parties have the informed the Court of the status of the case.

First, **Jose A. Gonzalez Gierbolini**, counsel for Co-defendant, A. Cordero Badillo, Inc. d/b/a Supermercados Grande ("Grande"), has requested notification of all docket entries by the Court. (Docket No. 114). Similarly, **Jorge I. Peirats**, counsel for Co-defendant, McIlhenny Company, Inc., and Co-defendant, Dole Packaged Foods Company, Inc., has joined Grande's notification request. (Docket No. 116). Their requests are **GRANTED** and the Clerk is so ordered to notify the aforementioned attorneys of all docket entries by the Court. The Clerk shall notice that these parties remain active parties in the case and hence shall be notified of all orders.

Second, the Court received a facsimile letter transmission (which is appended to these minutes and a copy was provided to all attendees) regarding Plaintiff's, Twin County Grocers, Inc., viability to proceed with this case from Twin County's legal representation as to the pending Bankruptcy case. Therefore, Twin County is hereby **GRANTED** ten (10) days, that is until January 10, 2000 to inform the Court on this critical issue.

Third, due to Twin County's alleged liquidation, Twin County may be dismissed from the instant case due to the lack of a case and controversy. If such occurrence transpires, then only the Defendants and Third Party Defendants will remain in this case and after realignment complete diversity will not exist destroying the Court's jurisdiction. That is, only local claims will be pending and an affirmative defense implicating a federal question may not be enough for the Court to retain jurisdiction. Thus, the parties are **ORDERED** to simultaneously submit briefs by **February 14, 2000** to the Court explaining why the Court would or would not have jurisdiction if Twin County's dismissal comes to fruition.

  
DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE

P:\MINUTES\97-2052 MEM

s/c: Counsel of record

123